

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-10 are pending in the present application.

In the outstanding Office Action, Claims 1, 6, and 8-10 were rejected under 35 U.S.C. §102(e) as anticipated by Duvall et al. (U.S. Patent No. 6,876,858, hereinafter Duvall); and Claims 2-5 and 7 were rejected under 35 U.S.C. §103(a) as unpatentable over Duvall in view of Raith (U.S. Patent No. 6,856,807).

With respect to the rejection of Claim 1 as anticipated by Duvall, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

location requesting means for transmitting request information to request calculation of location information about the portable communication terminal, to a location information calculating server for calculating the location information, in accordance with the transmission of the user data, using a control channel for transmission of control data.

Duvall does not disclose or suggest at least these elements of amended Claim 1.

Page 2, paragraph 3, of the Office Action and page 4 of the Office Action take the position that the satellite in Duvall's Fig. 2 is the claimed "calculating server." Moreover, page 4 of the Office Action states "GPS/GPS-T in the vehicle transmits signals to the Satellite." This position is incorrect. There is no disclosure or suggestion that GPS/GPS-T transmits signals to the satellites.

On the contrary, GPS/GPS-T is only disclosed as receiving signals from the satellites. Col. 3, lines 15-16 of Duvall states "transponder-GPS **receiver module, GPS-T**" (emphasis added). Col. 3, lines 18-20 of Duvall states "activates the GPS **receiver** ("GPS") therein and calculates by its microprocessor the vehicle position 25 determined by **receiving** navigation

signal N from the GPS satellite constellation S” (emphasis added). Thus, the GPS transponder of Duvall receives signals from the satellites but does not transmit signals to the satellites.

Moreover, the Office Action fails to specifically cite any portion of Duvall that explains that the GPS-T transmits signals to the satellites.

The GPS is referred to as a “transponder” because the GPS-T transmits a signal to the network operations control center C. This is shown in Figs. 1 and 2 by element 4, and explained at col. 3, lines 20-26 of Duvall. Thus, the Office Action is incorrect when it states “GPS/GPS-T in the vehicle transmits signals to the Satellite.” Furthermore, the direction of the arrows in Figs. 1 and 2 of Duvall further show the direction of communication. The arrows ***do not point*** from the GPS/GPS-T to the satellites.

Furthermore, Duvall describes that the GPS/GPS-T calculates the vehicle position (or position of p1 in Fig. 2) with an internal microprocessor.¹ The device in Duvall does not have to transmit “request information to ***request calculation*** of location information about the portable communication terminal, to a location calculating server ***for calculating the location information.***” Rather, in Duvall, the device itself calculates the position² and does not need to contact a “location calculating server” to process the GPS signals and calculate the position.

Thus, the Office Action has not established that Duvall discloses the claimed “location requesting means for transmitting request information to request calculation of location information about the portable communication terminal, to a location information calculating server for calculating the location information, in accordance with the transmission of the user data, using a control channel for transmission of control data.”

¹ Duvall, col. 3, line 18.

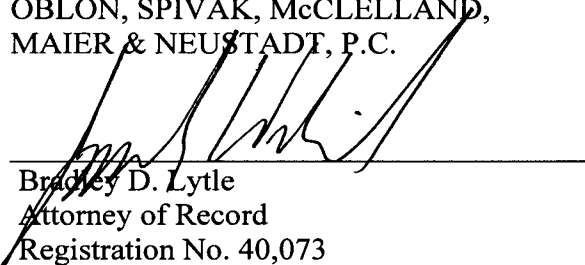
² *Id.*

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and any claims dependent thereon) patentably distinguish over Duvall. Claims 6 and 9 recite elements analogous to those of Claim 1. Thus, Applicants respectfully submit that Claims 6 and 9 (and any claims dependent thereon) patentably distinguish over Duvall, for at least the reasons stated for Claim 1.

Consequently, in light of the above discussion, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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